UNITED STATES DISTRICT COURT THE DISTRICT OF MASSACHUSETTS

IN RE PHARMACEUTICAL INDUSTRY AVERAGE WHOLESALE PRICE LITIGATION

MDL NO. 1456

Civil Action No. 01-CV-12257-PBS

THIS DOCUMENT RELATES TO:

Judge Patti B. Saris

State of Montana v. Abbott Laboratories Inc., et al., CA No. 02-CV-12084-PBS

[PROPOSED] STIPULATION AND ORDER

IT IS HEREBY STIPULATED, by and between the undersigned, that, pursuant to the Conditional Remand Order of the United States Judicial Panel on Multidistrict Litigation, dated September 24, 2007, the attached Exhibit A designates the contents of the record to be remanded to the District of Montana.

HAGENS BERMAN SOBOL SHAPIRO ON BEHALF OF PLAINTIFF

PERKINS COIE LLP FOR IMMUNEX CORPORATION AND ON BEHALF OF ALL DEFENDANTS

By:/s/ Jeniphr A.E. Breckenridge

Steve W. Berman
Jeniphr A.E. Breckenridge
HAGENS BERMAN SOBOL
SHAPIRO LLP
1301 Fifth Avenue, Suite 2900
Seattle, WA 98101
Telephone: (206) 623-7292

Fax: (206) 623-0594

Dated: October ___, 2007

By:/s/ Kathleen M. O'Sullivan

David J. Burman Kathleen M. O'Sullivan PERKINS COIE LLP 1201 Third Avenue, Suite 4800 Seattle, WA 98101-3099 Telephone: 206-359-8000

Fax: 206-359-9000

| CO | ORDERED. | |
|-----|-----------|--|
| 711 | URIDERRIT | |

United States District Judge